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February 5, 2003

Honorable Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *Complaint of AENEAS Communications Against Citizens Communications*
Weakly County, Tennessee
Docket No. 02-00438

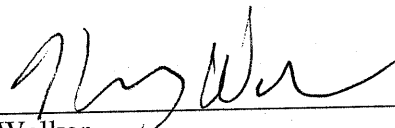
Dear Chairman Kyle:

Please accept for filing in the above captioned proceeding the original and fourteen copies of Direct Testimony of Jonathan Harlan of AENEAS Communications. I have enclosed an additional copy to be stamped "filed." I appreciate your assistance in this matter.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


Henry Walker
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Counsel for AENEAS Communications

HW/bb
Encl.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

February 5, 2003

*IN RE: Complaint of AENEAS Communications)
Against Citizens Communications in Weakly) Docket No. 02-00438
County, Tennessee.)
)*

DIRECT TESTIMONY OF JONATHAN HARLAN

Q: Please identify yourself.

A: I am Jonathan Harlan, Chief Executive Officer of Aeneas Communications. Aeneas is a competing local exchange telephone company authorized to operate in Tennessee. Our address is 301 S. Church Street, Jackson, Tennessee 38301.

Q: Please state the purpose of your testimony.

A: The purpose of my testimony is to describe why Aeneas believes that Citizens Telecommunications Co. of Tennessee ("Citizens") is not properly routing intra-county calls made by a Citizen subscriber in Weakley County to an Aeneas subscriber located in the same county.

Based on the TRA Staff's investigation, Harlan Exhibit A, there appears to be no dispute about the underlying facts of this case. Aeneas and Citizens disagree over the proper method of routing local calls made by a Citizens' subscriber to an Aeneas subscriber located in the service area of BellSouth Telecommunications, Inc. Aeneas believes that this issue is determined by the industry-wide Local Exchange Routing Guide (LERG) which, according to BellSouth, requires that such traffic be routed by

Citizens to a BellSouth tandem switch. Instead, Citizens routes the calls to a BellSouth end office which is not capable of routing the call to Aeneas for completion. As a result, such calls are being dropped before ever reaching Aeneas's switch.

Q: Does Citizens acknowledge that the LERG is the industry standard guide for the proper routing of traffic?

A: Apparently, but it is difficult to be sure. In response to a discovery request, Citizens responded that it "is not aware of any instance where it has departed from the LERG in Tennessee."

Q: Has Aeneas independently confirmed that the LERG requires that this traffic be routed to a BellSouth tandem, rather than an end office?

A: While I personally have not investigated the issue, counsel for Citizens has been informed by counsel for BellSouth Telecommunications, Inc. ("BellSouth") that the LERG "requires that the traffic in question must be routed by Citizens to BellSouth's tandem switch and not to BellSouth's end office switch." Letter from Joelle Phillips to Guilford Thornton, November 7, 2002, Harlan Exhibit B. Subsequent to that letter, BellSouth has reiterated on several occasions that, according to the LERG, Citizens is improperly routing these calls. Just recently, BellSouth has provided us with information from a BellSouth network expert who cites to those sections of the LERG confirming my understanding of the LERG's requirements. A copy of that information is attached as Harlan Exhibit C.

Q: Have other incumbent carriers indicated that the LERG represents the “industry standard” on the proper routing of calls?

A: Yes. In response to a data request, United Telephone – Southeast, Inc., another party to this case, has stated that, “when a carrier has entered routing information in the LERG, Sprint believes it is industry practice that the carriers follow the routing guidance provided.”

Q: Citizens has suggested that Aeneas and Citizens should build direct connections between the two carriers to handle this intra-county traffic. Does that proposal make sense?

A: No. Given the small amount of traffic at issue, it would be uneconomical for Aeneas to directly connect with Citizens. Our position on this issue is well stated in the response filed by United Telephone – Southeast and Sprint to Aeneas’ discovery questions:

Sprint Corporation supports carriers’ ability to interconnect either directly or indirectly with other carriers depending on the volumes of traffic being exchanged between the ultimate originating and terminating parties. It is both uneconomic and inefficient from a network perspective to require a CLEC or CMRS provider to directly interconnect with every ILEC (and every other CLEC and CMRS carrier) in a LATA when volumes of traffic do not economically justify direct connections. Therefore, allowing carriers to indirectly interconnect is essential to the development of a competitive marketplace. This position is clearly supported by the Telecommunications Act as well as FCC rules. Section 251(a)(a) of the 1996 Telecommunications Act specifically requires all carriers “to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.” Moreover, the FCC has affirmed the need for indirect interconnection under the Act, stating that

indirect interconnection provides an economic alternative for carriers that do not have market power.¹

It is not possible for carriers to indirectly interconnect without a third party transit provider. Therefore, Sprint firmly believes that ILECs should be required to perform transiting functions for indirectly interconnected carriers at their tandem, not their end office, for small volumes of traffic. It is not appropriate to require carriers to perform a tandem function at an end office switch . . .

Sprint recognizes that once volumes of traffic exceed a certain level, it is more efficient and cost effective to establish a direct connection. This will avoid exhausting the transit provider's tandem and avoid incurring transit charges from the tandem provider. When volumes of traffic are small, however, there is very little incremental burden imposed on the tandem and a direct connection is economically impractical. Furthermore, Sprint's position is that the tandem provider should be compensated at TELRIC-based rates for providing this transit service.

Q: What about the issue of compensation to BellSouth?

A: Again, I agree with Sprint that the tandem provider should be compensated at TELRIC-based rates for providing this transit service. My agreement is based on my understanding that there is no charge for intra-county, *i.e.*, local, ISP-bound traffic. Charges for other kinds of intra-county traffic should be minimal and should, on balance, fall equally on Aeneas and Citizens.

Q: Do you have any concluding remarks?

¹ See *In the Matter of Implementation of the Local Competitive Provisions of the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*: FCC No. 96-325 11 FCC Rod 15499; 1996 FCC LEXIS 4312 at ¶ 997. (rel. Aug. 1, 1996) (the FCC's *Local Competition Order*)

A: Yes. I want to say that I am surprised and disappointed that, in this era of instant communications, Citizens would chose to drop calls, rather than complete them, simply because Citizens disagrees with the rest of the industry as to how these calls should be routed. As we speak, Citizens customers are unable by any means to reach Aeneas customers located in the same county. This is an intolerable situation and the TRA's decision should not only direct Citizens to conform to industry standard routing practices but insure that this kind of conduct does not happen again.

Q: Does this conclude your testimony?

A: Yes.

HARLAN EXHIBIT A

TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman
Lynn Greer, Director
Melvin Malone, Director

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

TO: K. David Waddell
Executive Secretary

FROM: Lewis T. De Board
Consumer Services Division

DATE: February 11, 2001 02-06438

SUBJECT: Complaint Relative To Telecommunications Traffic Transport
By Citizens Communications To Aeneas Communications,
LLC.

.....

The TRA Consumer Services Division ("CSD" or "Staff") was contacted by Aeneas Communications ("Aeneas") regarding a problem it was experiencing with Citizens Communications ("Citizens") in Weakley County.¹ Specifically, Aeneas complained that Citizens' customers in Martin, Tennessee were unable to complete calls to its customer, an Internet Service Provider ("ISP"), in Greenfield, Tennessee. Aeneas stated that since the calls are originated and terminated in Weakley County, the calls should be sent to its switch for delivery to its customer, and be toll free.

To ensure this was not a typical county-wide calling problem, the staff checked the Local Exchange Routing Guide for the assignment location of the Central Office Code ("NXX") for the telephone number involved, and the TAR Code information to ensure Aeneas had the number coded for the proper county. It was found that the NXX involved was assigned to Aeneas in the BellSouth Greenfield Central Office, and the TAR Code was correct for Weakley County. This information proved that these calls are county-wide calls. The staff requested the positions of the parties regarding the situation, but after several attempts could not mediate an acceptable resolution to the problem. T.C.A. § 65-4-119 instructs the staff investigating an informal complaint to refer the complaint to the Authority should staff be unable to resolve it.

Aeneas requested that the county-wide calls to its customer, an ISP, be sent over the BellSouth toll trunk to the tandem switch in either Memphis or Jackson. These are the only two BellSouth tandem switches in West Tennessee. The staff confirmed that use of a tandem switch is necessary for calls to be transferred to a CLEC absent interconnection agreements because tandem switches are gateways between Incumbent Local Exchange

¹ CSD Complaint File No. 02-0125

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Carriers and other telecommunications service providers. Staff found that Aeneas has an interconnection agreement with BellSouth due to its presence within BellSouth's territory, but that Aeneas does not have an interconnection agreement with Citizens.

According to Aeneas, Citizens wants it to purchase an independent trunk group between the two companies in order to connect traffic to Aeneas rather than using the toll trunk and BellSouth's tandem switch. Staff understands that if Aeneas established an independent trunk group with Citizens, calls would be directly connected and the need to route calls through a tandem would be eliminated. Aeneas states it is reluctant to establish a trunk group, partly due to the expense, but also because it expects its usage within Weakley County from Citizens customers to be minimal.

Aeneas provided information that toll trunks to access the tandem switches were initially established for toll traffic. With the advent of cellular services and competition, toll trunks to tandem switches are sometimes used for non-toll traffic as well. According to Aeneas the other companies in West Tennessee are successfully using the toll trunks to access BellSouth's tandem switch for telecommunications traffic delivery to Aeneas.

When contacted about Aeneas' complaint, Citizens responded that they were transporting its customers' calls to the BellSouth Greenfield Central Office over their Extended Area Service ("EAS") trunks. Citizens states this is the proper method for routing local traffic between the Martin and Greenfield central offices. Citizens reports that calls to Aeneas' customers are being dropped² in the Greenfield Central Office, and that BellSouth will only accept and process traffic to Aeneas' customers if that traffic is delivered to one of its tandem switches. Staff verified that the Greenfield Central Office (or end office) switch can only process and terminate traffic to individual access lines. Citizens denies that it is dropping or blocking calls from its customers to Aeneas' customers. Citizens stresses it is handling calls to Aeneas' customers in the identical manner it handles calls between its own customers.

² A dropped call is one that is originated, processed by one or more switches, but is not delivered to the intended called end-user, or terminated.

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Citizens further states that they have no agreement with Aeneas for transport or exchange of traffic, and that it has not received an Access Service Request from Aeneas requesting access at its Martin central office. Citizens states that absent an agreement it does not feel obligated to route calls to Aeneas' customers over a common trunk group to BellSouth's tandem in Memphis or Jackson. Citizens states that it is not aware of any Authority ruling that would require them to route local traffic over its toll network at no charge. Citizens further states that the potential for blockage on the toll network is increased because of the added usage of ISP traffic. Citizens states that if Aeneas wants its traffic routed over the toll network, it needs to either establish trunk groups, or negotiate an agreement that properly compensates Citizens for the exchange of traffic.

HARLAN EXHIBIT B



BellSouth Telecommunications, Inc.
333 Commerce Street
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joelle.phillips@bellsouth.com

Joelle J. Phillips
Attorney

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Fax 615 214 7406

November 7, 2002

VIA TELECOPIER
(615) 687-1507

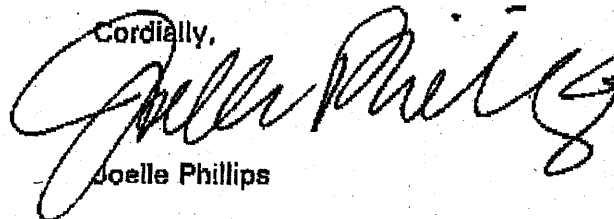
Guilford R. Thornton, Jr., Esquire
Stokes Bartholomew Evans & Petree, PA
424 Church Street, Suite 2800
Nashville, Tennessee 37219

Dear Gif:

Henry Walker has contacted me on behalf of his client Aeneas to inquire about BellSouth's understanding with respect to routing intracounty calls from a Citizens subscriber to an Aeneas subscriber located in BellSouth's service area. BellSouth's understanding regarding this issue is that the Local Exchange Routing Guide ("LERG") requires that the traffic in question must be routed by Citizens to BellSouth's tandem switch and not to BellSouth's end office switch. Mr. Walker has asked that we provide this information to you in order to indicate that, if BellSouth were asked to respond to an inquiry from the TRA regarding this issue, BellSouth's response would be consistent with the information above.

Please let me know if you have any questions about the foregoing.

Cordially,



Joelle Phillips

JP/je]

cc: Henry Walker, Esquire

HARLAN EXHIBIT C



BellSouth Telecommunications, Inc.
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300
joelle.phillips@bellsouth.com

Joelle J. Phillips
Attorney

615 214 6311
Fax 615 214 7406

February 5, 2003

VIA FACSIMILE
AND U.S. MAIL

Henry Walker, Esq.
Boult, Cummings, Conners & Berry
P.O. Box 198062
Nashville, Tennessee 37219-8062

Re: *Routing Issue*

Dear Henry:

Enclosed please find a Memorandum from BellSouth employee George Jung, Manager – Network Planning and Provisioning Support. This memo addresses your inquiry to me regarding BellSouth's understanding of the correct procedure for routing certain calls.

As we discussed, BellSouth personnel will be happy to assist to the extent we are able if your client is interested in pursuing settlement discussions related to this matter.

Cordially,


Joelle Phillips

JLP/kjh

cc: Paul Stinson

479416

FROM: George Jung, Manager - Network Planning & Provisioning Support

SUBJECT: Local Exchange Routing Guide (LERG)

DATE: February 5, 2003


This is to address the questions regarding the routing of certain calls in the Jackson, Tennessee tandem serving area.

Based on information from the North American Number Plan Administrator, the 731-480 NPA-NXX code is assigned to Aeneas Communications, LLC (Aeneas), Operating Company Number (OCN) 2891. Based on information from the Telcordia Local Exchange Routing Guide (LERG), it shows that (a) NPA-NXX code 731-480 is assigned to Aeneas (OCN 2891), (b) serves the Greenfield Rate Center, and (c) is assigned in the Aeneas' switch, JSCNTN09007. The LERG also shows that the code 731-480 serving office, Aeneas switch JSCNTN09007, "homes on" or "subtends" the BellSouth Jackson Tandem, JSCNTNMA84T. This information indicates that calls to Aeneas' subscribers in the Greenfield rate center with line numbers assigned from the 731-480 NPA-NXX should be routed directly to Aeneas' switch or via the Jackson Tandem switch if direct trunking to the Aeneas' switch is not in place.

The LERG also contains information pertinent to the "function(s)" performed by the individual switching entities. The switch owner determines the functions of each switch. The criteria for this determination may include, but are not limited to, switch capabilities, geographic location, message trunk provisioning considerations, etc.

The LERG is the industry recognized source for the exchange of routing information throughout the telecommunications industry. However, BellSouth makes no representation regarding the accuracy of information provided by any other carrier and published in the LERG.

Please contact Mary Ann Palmisano at 404-927-8655, or myself (404-927-8654), if there are any questions.



George Jung

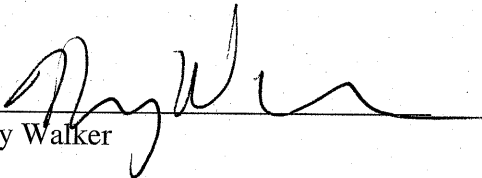
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 5th day of February, 2003.

Jim Wright, Esq.
United Telephone-Southeast, Inc.
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Henry Walker